

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, April 26, 2016

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)
 - 2. **New Agency Hearing** (NONE)
 - 3. **Continued Public Hearing** (NONE)
 - 4. **New Public Hearing** (NONE)
 - 5. **All remaining public testimony pursuant to HRS 92 (Sunshine Law)**

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 5/10/16.

- a. Class IV Zoning Permit Z-IV-2016-12, Use Permit U-2016-10 and Special Management Area Use Permit SMA(U)-2016-3, for the construction of two (2) portable classroom buildings and associated improvements on the Hanalei Elementary School campus, and Variance Permit V-2016-2 to deviate from the land coverage requirements within the Open (O) zoning district, pursuant to Section 8-9.2(a) of the Kauai County Code (1987), further identified as 5-5427 Kuhio Highway, Tax Map Key 5-5-006:018, and affecting a portion of a larger parcel approx. 3.7 acres in size = *State of Hawaii, Department of Education*.

1. Director's Report pertaining to this matter.

- b. Class IV Zoning Permit Z-IV-2016-13 to allow construction of a warehouse facility and associated site improvements on a parcel situated at the terminus of Leleiona Street in Puhi, approx. 700 ft. south of its intersection with Puhi Road and further identified as 1821 Leleiona Street, Tax Map Key 3-3-011:004, and containing a total area of 1.095 acres = *Hawktree Land, Inc.*

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Forfeiture of Non-Conforming Use Certificate TVNCU#**5165**, Jonathan J. Chun, Esq., representing *Lloyd R. Fischer and Shirley Fischer*, Tax Map Key (4) 13001088, Kekaha, Kauai, filed on 4/8/16, to a Hearings Officer (Contested Case No. **CC-2016-10**); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
 - a. Memorandum (4/19/16) from Michael A. Dahilig, Clerk of the Commission to Honorable Commissioners of the Kauai Planning Commission.
2. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Forfeiture of Non-Conforming Use Certificate TVNCU#**5003**, Jonathan J. Chun, Esq., representing *Lloyd R. Fischer and Shirley Fischer*, Tax Map Key (4) 13001088, Kekaha, Kauai, filed on 4/8/16, to a Hearings Officer (Contested Case No. **CC-2016-9**); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
 - a. Memorandum (4/19/16) from Michael A. Dahilig, Clerk of the Commission to Honorable Commissioners of the Kauai Planning Commission.
3. Request for Reconsideration of withdrawal from the contested hearing (4/18/16) from *Susan Gailey and Kim Richard* regarding Contested Case CC-2015-16, Class IV Zoning Permit Z-IV-2015-28, Use Permit U-20-15-27 and Special Permit SP-2015-8, Tax Map Key (4) 5-2-022:014, CRP Unit 2.

J. COMMUNICATION (For Action)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

1. Planning Director Michael A. Dahilig's Petition to Modify or Revoke Applicant Coco Palms Hui, LLC's Permits and Issue and Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Michael A. Dahilig; Notice of Meeting; Certificate of Service for Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 = *Coco Palms Hui, LLC*. [Deferred 2/23/16.]
 - a. Status Report including Investigative Report.
 - b. PR II Coco Palms, LLC's Petition to Intervene; Memorandum in Support of Petition; Declaration of Jennifer A. Lim; Exhibits 1 to 2; Certificate of Service (2/12/16).
 - c. Set Hearing Date
2. Amendment to Special Management Area Use Permit SMA(U)-2008-5, Use Permit U-2008-4 and Class IV Zoning Permit Z-IV-2008-6 in conjunction with Status Report in the matter of *Charles Somers, as Trustee of the Charles Somers Living Trust dated November 12, 2002, and West Sunset 32 Phase 1 LLC*. [Amendment hearing closed and deferred 4/30/13 and 1/28/14, deferred 3/8/16.]

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, May 10, 2016**.

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
Līhu'e Civic Center, Mo'ikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Hawai'i 96766

Tuesday, April 26, 2016, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of February 23, 2016
2. Meeting of March 8, 2016

E. RECEIPT OF ITEMS FOR THE RECORD (None)

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Dept. prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Dept. or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS (None)

H. UNFINISHED BUSINESS (None)

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Approval
 - a. Subdivision Application No. S-2016-15
(**TY & ARIANA OWEN**)
Proposed 2-lot Subdivision
TMK: (4) 2-7-006:037
'Ōma'ō, Kaua'i

1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (Continued)

1. Tentative Subdivision Approval (Cont'd)

b. Subdivision Application No. S-2016-16
(KŌLOA VILLAGE LLC.)

Proposed 2-lot Subdivision

TMK: (4) 2-8-008:001

Kōloa, Kauaʻi

1. Subdivision Report pertaining to this matter.

c. Subdivision Application No. S-2016-17
(CHERYL COWDEN-SCHENCK/RILEY FAMILY REV. TRUST)

Proposed 2-lot Boundary Adjustment

TMK: (4) 4-9-012:005, 011

Moloaʻa, Kauaʻi

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihūʻe, Hawaiʻi 96766. Telephone: (808) 241-4050.

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